

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

**Webb Candy, Inc. and
Licensed Sports Marketing, LLC,**

Case No.: 09-CV-02056-PJS-JJK

Plaintiffs,

AFFIDAVIT OF ALAN WEBB

v.

Walmart Stores, Inc.,

Defendant.

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

After first being duly sworn, Affiant states and deposes as follows:

1. I am the owner and Chief Operating Officer of Webb Candy, Inc.
2. Webb Candy, Inc. has seven employees plus myself who were involved in conversations wherein they sold our products to the Walmart stores referred to in the complaint and for which Webb Candy, Inc. has not been paid.
3. That in addition, I had conversations with the Apple Valley, Minnesota store manager which are alleged in the complaint.
4. It would cost many thousands of dollars for our company to fly the employees and myself to Arkansas for trial; money which we would not need to spend if they could testify in Minnesota.
5. Further, it would cost significantly more for us to retain legal counsel in Arkansas as well.

FURTHER your Affiant sayeth not except that it would be much less expensive and far more convenient to try the above-entitled case in Minnesota.

Dated: September 25, 2009.

s/Alan Webb
Alan Webb

Subscribed and sworn to before me
this 25th day of September, 2009.

s/Gloria J. Kittock
Notary Public